

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Allison Baker, RN) **PROBATION**
)
License No. 095000689RN) **Reference No. 16-01950**

Allison Baker (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on December 06, 1995.

Between 2012 and 2016, Licensee abused controlled substances. Between 2014 and 2016, Licensee diverted controlled substances from her workplace. On her 2015 license renewal application, Licensee falsely answered “No” to the question “Since the date of your last renewal, have you used any illegal drugs, or prescription drugs in a manner other than prescribed?” Upon review of a recent chemical dependency evaluation with Board staff, Licensee agrees that a period of probation is appropriate.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(f), (5)(d), (7)(b) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (2) Conduct related to other federal or state statute/rule violations:
 - (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.
- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.
- (7) Conduct related to the licensee’s relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Stipulated Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Stipulated Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Stipulated Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Stipulated Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine

the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Stipulated Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Stipulated Order.

Licensee understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued,

constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record.

Licensee has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Allison Baker, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Christopher Barbee, RN) **VOLUNTARY SURRENDER**
)
License No. 201503613RN) **Reference No. 16-08141**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Christopher Barbee (Licensee) was issued a Registered Nurse License by the Board on June 12, 2015.

On or about August 3, 2015, the Board received information from the Springfield Police Department advising that Licensee was contacted by officers on August 2, 2016 after using drugs. The Board opened an investigation into the matter.

On October 14, 2015 Barbee was approved for entry into the Health Professional Services Program (HPSP).

On October 19, 2015 Barbee entered treatment with Serenity Lane with an Alcohol Abuse diagnosis, moderate and was recommended to enter into an Intensive Outpatient Treatment Program, followed by two years of Recovery Support.

Barbee has informed the Board that he can no longer afford the program costs and does not believe he is fit to practice at this time.

By the above actions, Licensee is subject to discipline pursuant to:

676.200 Board participation in program; rules. (1)(a) A health profession licensing board that is authorized by law to take disciplinary action against licensees may adopt rules opting to participate in the impaired health professional program established under ORS 676.190 and may contract with or designate one or more programs to deliver therapeutic services to its licensees.

(3) A board that participates in the impaired health professional program shall review reports received from the program. If the board finds that a licensee is substantially noncompliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

OAR 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to

such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §1; 2009 c.697 §7; 2009 c.756 §§32,94]

ORS 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(7) Conduct related to the licensee's relationship with the Board:

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

ORS 851-070-0100 Substantial Non-Compliance Criteria

(1) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement; or

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Christopher Barbee be accepted. If, after a minimum of three years, Mr. Barbee wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.

Licensee agrees that he will not practice as a Registered Nurse from the date he signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Christopher Barbee, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Lindy Beers, RN) **PROBATION**
)
License No. 201242466RN) **Reference No. 17-00191**

Lindy Beers (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on July 30, 2012.

On or about November 5 2014, the Board received information that Licensee was acting erratically when working as the Circulating Nurse.

It was alleged that licensee tested positive for alcohol on a for cause toxicology test October 26, 2014, at which time Licensee was terminated from employment.

Licensee sought treatment services and the Board allowed entry into the Health Professional Services Program (HPSP).

On July 22, 2016, a Non-Compliance report was received for a positive toxicology result for alcohol. This was a third positive toxicology result since entry into the program, which constitutes a violation of the terms and conditions of the HPSP.

By the above actions, Licensee is subject to discipline pursuant to:

IMPAIRED HEALTH PROFESSIONAL PROGRAM

ORS 676.200 Board participation in program; rules. (1)(a) A health profession licensing board that is authorized by law to take disciplinary action against licensees may adopt rules opting to participate in the impaired health professional program established under ORS 676.190 and may contract with or designate one or more programs to deliver therapeutic services to its licensees.

(c) A board may adopt rules establishing additional requirements for licensees referred to the impaired health professional program established under ORS 676.190 or a program with which the board has entered into a contract or designated to deliver therapeutic services under subsection (1) of this section.

(Discipline of Nurses)

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be

reprimanded or censured by the board, for any of the following causes:

- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

ORS 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §1; 2009 c.697 §7; 2009 c.756 §§32,94].

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:
(7) Conduct related to the licensee's relationship with the Board:
(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

OAR 851-070-0080 Licensee Responsibilities:

- (1) All licensees must:
 - (b) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified by the Board by rule or order;
 - (c) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee. The Board does not authorize the vendor to approve or disapprove medications prescribed to the Licensee for a documented medical condition;

OAR 851-070-0100 Substantial Non-Compliance Criteria

- (1) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:
 - (d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;
 - (k) Violated any provisions of OAR 851-070-0080;
 - (l) Violated any terms of the diversion agreement;

Licensee admits the above allegations occurred and they constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0)

FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer

with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall /shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.
17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.

18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Lindy Beers, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Shawna Boyd, RN) **PROBATION**
)
License No. 201042318RN) **Reference No. 16-01388**

Shawna Boyd (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on August 4, 2010.

On or about March 3, 2016, Licensee self-reported to the Board a onetime use of methamphetamines in March 2016. An investigation was opened into the matter.

On or about July 6, 2016, Licensee underwent a chemical and mental health evaluation and monitored practice was recommended.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(5)(b)(d) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status;

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present

disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is

financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Shawna Boyd, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Rachel Carter) **PROBATION of LIMITED LICENSE AND**
) **REGISTERED NURSE LICENSE**
)
Limited License/RN Applicant) **Reference No. 16-02028**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Rachel Carter (Applicant) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on July 28, 2005. She voluntarily surrendered her license on May 16, 2008. On or about May 12, 2016, Applicant applied for a Limited License for Re-entry, and reinstatement of her Registered Nurse license.

In February 2008 the Board investigated allegations that Applicant diverted narcotic medication from her workplace. Applicant denied the allegations at the time and voluntarily surrendered her Oregon license. In April 2008 Applicant moved to California and obtained a nursing position at a hospital in California. She diverted narcotic medication from the workplace there and was terminated in September 2008. Applicant entered the California diversion program for impaired professionals and completed residential treatment for a substance use disorder, but failed to complete the conditions of the diversion program, stating she could no longer afford the tests. Her California RN license was revoked in August 2010.

Applicant admits that she diverted narcotics from her employer in Oregon in 2008. She states that she has not used any drugs without a legal prescription since November 2008. Applicant underwent a chemical dependence assessment in July 2016 and was found to be in sustained full remission from opiate dependence, and recommended for monitoring by the Board.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111 (1)(f)(h) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

Applicant admits that the above allegations occurred and constitute grounds for denial under the Nurse Practice Act and wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

Applicant shall be placed on probation contingent upon successful completion of the three (3) conditions listed below within 21 days of the date the Board approves this Stipulated Order:

1. Contact Health and Education Consultants Incorporated and enroll in reentry program, and request confirmation of enrollment be sent directly to the Oregon State Board of Nursing.
2. Notify Health and Education Consultants Incorporated that she is on Probation with the Board.

3. Submit all required applications and fees to the Board to begin the licensing process.

Applicant acknowledges that absent completion of these conditions within the 21-day period, the Board may issue a Notice of Proposed Denial of Application.

Applicant (hereafter referred to as Licensee) compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon her return to practice, including her practice under a limited license while in the re-entry program, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

In addition to the above conditions, Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.

8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes change of employer or a change within the facility or institution.

9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.

12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.

13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.

14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.

15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.

16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.

18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.

19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.

20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.

21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.

22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Rachel Carter

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Eva Chapin, LPN) **PROBATION**
)
License No. 200330050LPN) **Reference No. 15-01545**

Eva Chapin (Licensee) was issued a Licensed Practical Nurse license by the Oregon State Board of Nursing (Board) on March 25, 2003.

In 2015, Licensee had an ongoing dispute with her neighbor over parking issues in their condominium complex.

On or about April 13, 2015, Licensee left racially offensive and harassing notes on her neighbor's property.

On April 21, 2015, Licensee pled guilty to Criminal Mischief III, which was dismissed by the court on June 21, 2016 following compliance with court requirements.

Licensee provided a written response and met with Board staff to discuss her behavior. She acknowledged her misconduct. Licensee stated that she was sorry for her "wrongful conduct and for offending individuals." Licensee reported that at the time of the incident she was engaged in mental health counseling for depression and anxiety.

On March 30, 2016, Licensee's therapist informed the Board that Licensee is "progressing well in therapy...has a firm grasp on understanding her trauma and its effects in her life." Continued therapy is recommended as needed to reduce her trauma and maintain her positive gains.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1) (f) and (i); and OAR 851-045-0070 (5) (b) which reads as follows:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(i) Physical or mental condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

OAR 851-045-0070: Conduct Derogatory to the Standards of Nursing Defined
Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but

is not limited to, the following:

(5) Conduct related to impaired function:

(b) Practicing nursing when unable/unfit to perform procedures and/or make decisions due to psychological or mental impairment as evidenced by documented deterioration of functioning in the practice setting and/or by the assessment of a health care provider qualified to diagnose mental condition/status; and

Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Licensed Practical Nurse license of Eva Chapin be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Final Order. Licensee must complete a twelve (12) month period of probation to begin upon her return to supervised nursing practice at the level of a Licensed Practical Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion.

Licensee must comply with the following terms and conditions of probation:

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty four (24) months from Board acceptance of this Stipulation to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify the Board, in writing, prior to any change of address during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, her probationary status will be reevaluated.
- 6) Licensee shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of licensee's probationary status. The Nurse Executive will receive

copies of the Stipulation for Probation and Board Order when Licensee is employed.

10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.

11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her work-related conduct or personal behavior that may affect her ability to practice as a nurse.

12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.

13) Licensee shall participate and comply with any treatment recommendations as set forth by her mental health treatment provider.

14) Licensee may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. Licensee shall produce the medical records pertaining to the medical condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

15) Licensee shall cease practicing as a nurse if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by Board staff, in consultation with Licensee's employer and mental health provider.

16) Licensee shall maintain a mental health release form with her mental health provider, allowing said provider to discuss Licensee with the Board and to contact the Board and Licensee's employer with any concerns.

17) Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.

18) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation are considered by the Board to be of a grave nature and if continued, constitutes a serious danger to public health and safety.

Licensee also understands that in the event she engages in future conduct resulting in violations of the

law or terms of probation the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Licensed Practical Nurse.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into this stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Eva Chapin, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
David Chrzanowski, RN) **PROBATION**
)
License No. 201042356RN) **Reference No. 16-01977**

David Chrzanowski (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on August 6, 2010.

On or about May 6, 2016, the Board received a Registered Nurse reactivation application from Licensee in which Licensee disclosed receiving treatment for substance abuse in December 2015.

On December 29, 2015, Licensee received a substance abuse diagnosis and has engaged in treatment.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(5)(d) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(5) Conduct related to impaired function:

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits that the above allegations occurred and constitute violations of the Nurse

Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory

vendor shall be considered a violation of this Order.

17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

David Chrzanowski, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Benedicta Cooper, RN) **VOLUNTARY SURRENDER**
)
License No. 086006760RN) **Reference No. 16-01998**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Benedicta Cooper (Licensee) was issued a Registered Nurse License by the Board on October 1, 1986.

On or about June 1, 2016, the Board received information that Adult Protective Services had substantiated an allegation of abuse and neglect of a patient while under Licensee's care. An investigation was opened into the matter.

On or about July 1, 2015, and February 8, 2016, Licensee restrained a patient in an attempt to shower the patient.

Between January and March of 2016, Licensee neglected a patient, failed communicate the patient's condition to his/her physician and failed to modify a plan of care to ensure patient safety.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(b)(f)(g), OAR 851-045-0070(1)(b)(d)(1), (2)(a)(b), (3)(h), and (4)(b) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
 - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
 - (d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.
 - (l) Failing to respect the dignity and rights of clients, regardless of social or economic status, age, race, religion, sex, sexual orientation, national origin, nature of health needs, or disability.
- (2) Conduct related to other federal or state statute/rule violations:
 - (a) Abusing a client. The definition of abuse includes, but is not limited to, intentionally causing physical or emotional harm or discomfort, striking a client, intimidating, threatening or harassing a client, wrongfully taking or appropriating money or property, or knowingly subjecting a client to distress by conveying a threat to wrongfully take or appropriate money or property in a manner that causes the client to believe the threat will be carried out.
 - (b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.
- (3) Conduct related to communication:
 - (h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner; and
- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Benedicta Cooper be accepted. If, after a minimum of three years, Ms. Cooper wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Benedicta Cooper, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Tara Cutchall) **WITHDRAWAL OF PRACTICAL**
) **NURSE LICENSE APPLICATION**
)
LPN Applicant) **Reference No. 16-02083**

Tara Cutchall (Applicant) submitted a complete Practical Nurse license application to the Oregon State Board of Nursing (Board) in December 2015.

In November 2010, January 2011, and December 2011, Applicant was arrested in Louisiana for Operating a Vehicle While Intoxicated. In May 2015, Applicant was arrested in Washington State for Driving Under the Influence. Upon review of a recent chemical dependency evaluation with Board staff, Applicant agrees that withdrawal of Practical Nurse license application is appropriate at this time.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(5)(d) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.
 - (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Applicant admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Applicant wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and

is agreed to by Applicant:

That the Stipulated Order For Withdrawal of Practical Nurse License Application of Tara Cutchall be accepted. If at a later time applicant wishes to reapply for a license to perform the duties of a Practical nurse, she shall make reapplication to the Board.

Applicant understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Applicant understands that in the event Applicant engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Applicant's license, up to and including denial of Applicant's license to practice as a Practical Nurse.

Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, Applicant waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce Applicant to sign this Stipulated Order.

Applicant understands that this Stipulated Order is a document of public record.

Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Tara Cutchall

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **FINAL ORDER OF DENIAL OF**
Melissa Deshazer) **REGISTERED NURSE LICENSURE**
) **BY DEFAULT**
)
RN Applicant) **Reference No. 15-01825**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurse. Melissa Deshazer, (Applicant) applied for a Registered Nurse licensure in the state of Oregon on or about February 16, 2015.

This matter was considered by the Board at its meeting on August 12, 2015.

On August 13, 2015, a Notice stating that the Board intended to deny the application for Registered Nurse licensure was sent to Applicant via certified and first-class mail to Applicant's address of record. The Notice alleged that Applicant failed to disclose her arrest history that Applicant failed to disclose disciplinary actions taken on other Registered Nurse licenses in three other states and that Applicant failed to cooperate with the Board's investigation.

The Notice granted Applicant an opportunity for hearing if requested within sixty (60) days of the mailing of the Notice. The Notice designated the Board's file on this matter as the record for purposes of default.

On September 8, 2015, the Applicant requested a hearing which was scheduled for July 26, 2016, to begin at 9:00am.

On July 26, 2016, Applicant did not appear for the hearing at the scheduled time, and is in default.

NOW THEREFORE, after consideration of its records and files related to this matter, the Board enters the following Order:

-I-

FINDINGS OF FACT

Based on the evidence submitted through the Notice and the agency file in this case, the Board finds the following:

1. On or about February 16, 2015, Applicant failed to answer questions truthfully asked by the Board on her application for licensure by failing to disclose four arrests that occurred between 1996 and 2010.
2. Between June 4, 2015, and July 2, 2015, Applicant failed to respond to the Board's written and verbal requests for additional information.
4. On August 12, 2015, the Board reviewed the facts of the case against Applicant and voted to issue a Notice of Proposed Denial of Registered Nurse License.
5. On August 13, 2015, Board staff mailed a Notice of Proposed Denial of Registered Nurse License to Applicant via first-class and certified mail. The Notice granted Applicant sixty (60) days from the date of the mailing of the Notice to request a hearing. The Notice also designated that the agency file would be the record for purposes of default
6. On September 8, 2015, the Applicant requested a hearing which was scheduled for July 26, 2016, to begin at 9:00am.
7. On July 26, 2016, Applicant did not appear for the hearing at the scheduled time, and is in default.

-II-

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over Applicant, Melissa Deshazer, and over the subject matter of this proceeding.
2. That Applicant's conduct is in violation of ORS 678.111(1)(c)(d)(f)(g)(h) and OAR 851-045-0070(7)(a)(b)(c) and OAR 851-045-0080(4).
3. That Applicant defaulted for by failing to appear at the hearing. Therefore, pursuant to ORS 183.417(4), the Board may enter a Final Order by Default.

-III-

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the Board being fully advised in the premises, it is hereby:

ORDERED that the Application for Registered Nurse Licensure of Melissa Deshazer is denied.

Dated this _____ day of September, 2016.

FOR THE OREGON STATE BOARD OF NURSING

Bonnie Kostelecky, MS, MPA, RN
Board President

You may file a petition for reconsideration or rehearing of this Order. Reconsideration or rehearing may be obtained by filing a petition with the Board of Nursing within 60 days from the service of this Order. Your petition shall set forth the specific grounds for reconsideration. Reconsideration or rehearing is pursuant to the provisions in ORS 183.482.

As an alternative to filing a Petition for Reconsideration of this Order, you are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition with the Oregon Court of Appeals for review within 60 days from the date of service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR PROBATION**
Edith Donnelly, RN) **OF REGISTERED NURSE LICENSE**
)
License No. 200440840RN) **Reference No. 16-08158**

Edith Donnelly (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on June 22, 2004.

In June 2016, Licensee exhibited an inability to practice with reasonable competence and safety due to a mental health condition. Upon review of subsequent mental health evaluations with Board staff, Licensee agrees that a period of probation is appropriate.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1) (e) which provides as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(e) Impairment as defined in ORS 676.303.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Stipulated Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twelve (12) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have twenty-four (24) months from Board's acceptance of this Stipulated Order to complete twelve (12) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Stipulated Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business

days from the reminder date, Licensee may be restricted from practicing as a nurse.

11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Stipulated Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
15. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Stipulated Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Stipulated Order.
16. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate

with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.

18. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
19. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Stipulated Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Stipulated Order.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Stipulated Order.

Licensee understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Stipulated Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Stipulated Order.

Licensee understands that this Stipulated Order is a document of public record.

Licensee has read this Stipulated Order, understands this Stipulated Order completely, and

freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Edith Donnelly, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Jacalyn Dubai, RN) **VOLUNTARY SURRENDER**
)
License No. 000036192RN) **Reference No. 16-01360**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Jacalyn Dubai (Licensee) was issued a Registered Nurse License by the Board on May 13, 1976.

On October 13, 2013, it was reported that Licensee voluntarily admitted herself for substance abuse treatment on September 2, 2013. No patient safety issues were presented. Licensee had no known adverse patient outcomes nor any substance abuse issues in her employment. The Board opened an investigation into the matter. On November 20, 2013 Licensee was allowed entry into the Health Professional Services Program (HPSP).

Licensee was reported non-compliant for failure to meet the requirements of the Board's monitoring program. By the above actions, the Board alleged that Licensee was subject to discipline pursuant to:

OAR 676.200 Board participation in program; rules. (1)(a) A health profession licensing board that is authorized by law to take disciplinary action against licensees may adopt rules opting to participate in the impaired health professional program established under ORS 676.190 and may contract with or designate one or more programs to deliver therapeutic services to its licensees.

(3) A board that participates in the impaired health professional program shall review reports received from the program. If the board finds that a licensee is substantially noncompliant with a diversion agreement entered into under ORS 676.190, the board may suspend, restrict, modify or revoke the licensee's license or end the licensee's participation in the impaired health professional program.

OAR 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be

reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 678.112 Impaired health professional program. Persons licensed to practice nursing who elect not to participate in the impaired health professional program established under ORS 676.190 or who fail to comply with the terms of participation shall be reported to the Oregon State Board of Nursing for formal disciplinary action under ORS 678.111. [1991 c.193 §2; 2007 c.335 §I; 2009 c.697 §7; 2009 c.756 §§32,94]

ORS 851-070-0100 Substantial Non-Compliance Criteria

(I) The HPSP will report substantial non-compliance within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(d) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(k) Violated any provisions of OAR 851-070-0080;

(l) Violated any terms of the diversion agreement; or

(2) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction, which may include a limitation of Licensee's practice and any other sanction, up to and including termination from the HPSP and formal discipline.

Licensee wishes to voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Jacalyn Dubay be accepted. If, after a minimum of three years, Ms. Dubay wishes to reinstate her Registered Nurse License, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an

administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order, and that she is doing so to avoid the stress and expense of a hearing and further proceedings.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Jacalyn Dubay, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Mary Gibson, NP**

) **STIPULATED ORDER FOR**
) **PROBATION of NURSE PRACTITIONER**
) **CERTIFICATE**
) **Reference No. 16-01217**

License No. 200150136NP

Mary Gibson (Licensee) was issued a Registered Nurse license in 1977, Adult Nurse Practitioner Certificate in 1988 (expired 2001) and Family Nurse Practitioner Certificate in 2001, by the Oregon State Board of Nursing (Board).

On or about January 28, 2016, the Board received a complaint alleging that Licensee did not conduct thorough office visits, didn't take notes during the visits, and often forgot to complete paperwork and make referrals. It was also alleged that Licensee prescribed excessive quantities of narcotics to patients. The Board opened an investigation into the matter.

During the course of the investigation, information was obtained which identified areas of Licensee's practice, primarily prescribing medications, including opiates, and documentation, which deviated from accepted standard of practice.

Audits of several months' patient charts and controlled substance prescribing history of Licensee by the Board and by her employer identified a pattern of prescribing controlled substances to patients without appropriate documentation of risk screening, testing, rationale for prescribing or for increasing controlled substance dosage or quantity, referrals or follow-up on specialist recommendations.

Licensee failed to provide evidence that she obtained or documented regular urine drug screens, pain or function assessments, controlled substance contracts and collaboration with other members of the health care team.

A review of selected patient charts further found that Licensee failed to meet the standard of care in the following: documenting all elements of the office visit, developing comprehensive plan of care, interventions and treatments, providing effective coordination of care to address the physical and mental health needs of these patients, and documenting appropriately in a timely manner.

After reviewing select patient charts with Board staff, Licensee acknowledged that they demonstrated she did not always meet the standard of care in documentation and prescribing. Licensee stated she is dedicated to caring for her patients responsibly, and attempts to manage chronic conditions appropriately. She stated this was challenging due to the complex patient population, heavy caseload and difficulty maneuvering through the electronic health record system. She says that she has been working to make improvement in her practice since these issues were brought to her attention. Licensee provided documentation of recent continuing education in primary care, chronic pain management, psychopharmacology and mental health. She stated she is on a performance improvement plan with her employer and will be obtaining additional continuing education.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g); ORS 678.390(1) and ORS 678.390.0(6); OAR 851-045-0070(1)(c), (3)(b)(g), (4)(b), and OAR 851-056-0016 (1), and (2)(g)(i) which read as follows:

ORS 678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

ORS 678.390 Authority of nurse practitioner to write prescriptions or dispense drugs; notice; requirements; revocation; rules.

(1) The Oregon State Board of Nursing may grant to a certified nurse practitioner the privilege of writing prescriptions described in the formulary under ORS 678.385.

ORS 678.390.0

(6) The privilege of writing prescriptions and dispensing drugs may be denied, suspended or revoked by the Oregon State Board of Nursing upon proof that the privilege has been abused. The procedure shall be a contested case under ORS chapter 183. Disciplinary action under this subsection is grounds for discipline of the nurse practitioner in the same manner as a licensee may be disciplined under ORS 678.111.

OAR 851-045.0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
 - (c) Failing to develop, implement and/or follow through with the plan of care.
- (3) Conduct related to communication:
 - (b) Incomplete recordkeeping regarding client care; including, but not limited, to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given
- (4) Conduct related to achieving and maintaining clinical competency:
 - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.
 - (g) Failing to maintain client records in a timely manner which accurately reflects management of client care, including failure to make a late entry within a reasonable time period.

851-050.0005 Nurse Practitioner Scope of Practice

(4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:

- (a) Assessment;
- (b) Diagnosis;
- (c) Development of a plan;
- (d) Intervention;
- (e) Evaluation.

(5) The nurse practitioner is independently responsible and accountable for the continuous and comprehensive management of a broad range of health care, which may include:

- (g) Consultation and/or collaboration with other health care providers and community resources;
- (h) Referral to other health care providers and community resources;
- (i) Management and coordination of care;
- (l) Prescribing, dispensing, and administration of therapeutic devices and measures, including legend drugs and controlled substances as provided in Division 56 of the Oregon Nurse Practice Act, consistent with the definition of the practitioner's specialty category and scope of practice.

(7) The nurse practitioner is responsible for recognizing limits of knowledge and experience, and for resolving situations beyond his/her nurse practitioner expertise by consulting with or referring clients to other health care providers.

851-056-0016 Conduct Derogatory to the Standards for Prescriptive or Dispensing Authority

(1) The Board may deny, suspend or revoke the authority to write prescriptions and/or dispense drugs for the causes identified in ORS 678.111(1) or with proof that the authority has been abused.

(2) The abuse of the prescriptive or dispensing authority constitutes conduct derogatory to nursing standards and is defined as:

- (g) Prescribing, dispensing, administering, or distributing drugs in an unsafe or unlawful manner or without adequate instructions to the client according to acceptable and prevailing standards or practice;
- (i) Failure to properly assess and document client assessment when prescribing, dispensing, administering, or distributing drugs.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter.

The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Nurse Practitioner certificate 200150136NP be placed on Probation effective 5 business days from the date the Board approves this Stipulated Order. The Licensee's compliance with this agreement will be monitored by the Board from date of signature on the Final Order. Licensee must successfully complete the terms and conditions of a twelve (12) month period of probation to demonstrate competence, to begin upon her return to supervised practice at the level of a Nurse Practitioner. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion.

Licensee must comply with the following terms and conditions of probation:

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty-four (24) months from Board acceptance of this Stipulation to complete twelve (12) months of monitored practice.
- 3) The primary health care setting in which Licensee is employed for the majority of her practice hours per month (hereinafter "the primary worksite setting") shall be monitored. This setting will include the onsite presence of another licensed healthcare professional of equal or higher licensure, who works in the same physical location and is readily available to observe Licensee's practice and provide assistance. It is not required that such a licensed healthcare professional be onsite with the Licensee at all times. However, another licensed healthcare professional of equal or higher licensure shall be onsite at least 50% of the time that Licensee is working in the primary worksite setting.
- 4) Licensee's primary worksite setting shall be a setting where Licensee's supervisor, in conjunction with the Board approved supervisor, agrees to provide one collaboratively written evaluation of work performance (on forms provided by the Board) every three (3) months during the probationary period. The evaluation is expected to be received by Board staff within ten (10) business days of the due date. If the evaluation is not timely received, Board staff will contact the employer and Board approved supervisor with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a Nurse Practitioner.
- 5) Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct. Failure to meet the employer's expectations for competent practice which adheres to the employer's policies and procedures and the accepted standard of care for Nurse Practitioner, shall be promptly reported to the Board by Licensee's employer.
- 6) The Board approved primary worksite setting must agree that the clinical and administrative supervisors at the Board-approved primary worksite will be free to disclose information regarding Licensee's practice to the Board and the Board's probation monitor, including providing results of internal audits of Licensee's performance and/or cooperating with chart audits performed by or on behalf of the Board.

- 7) Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 8) Licensee shall maintain an active license.
- 9) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, her probationary status will be re-evaluated.
- 10) Licensee shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 11) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 12) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 13) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of licensee's probationary status. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 14) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 15) Licensee shall not work in any practice setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
- 16) Licensee shall cease practicing as a nurse practitioner if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by the Board staff, in consultation with her employer.
- 17) Licensee shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.
- 18) In order to satisfy the terms and conditions of Probation, Licensee shall complete fifty (50) hours of Board approved continuing education coursework in some or all of the following areas: documentation, prescribing practices, substance abuse and dependence, and treating dual diagnosis patients, to increase Licensee's skills in assessment, limit-setting, treatment planning, and determining risks versus benefits of prescribing Schedule 2-N and Schedule 4 medications for complex patients. Courses must be approved for continuing education

credits for licensed healthcare professionals under any jurisdiction. Courses taken since July 1, 2016, may count towards the 50 hours, if they meet the criteria for Board approval.

19) In order to complete Probation, Licensee shall provide a personal work plan for sustained improvement of her practice beyond probation. This plan shall address the areas of charting, prescribing, and adherence to the professional standard of closing charts within 24 hours.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation are considered by the Board to be of a grave nature and if continued, constitutes a serious danger to public health and safety.

Licensee also understands that in the event she engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Nurse Practitioner.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Mary Gibson, NP

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Annette Greiner, CMA) **SUSPENSION OF CERTIFICATE**
)
Certificate No. 201020099CMA,) **Reference No. 16-00612**
200712120CNA

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Medication Aides. Annette Greiner (CMA) was issued a Certified Medication Aide Certificate by the Board on August 9, 2010, and a Certified Nursing Assistant Certificate by the Board on October 8, 2007.

On or about October 7, 2015, CMA was reported to the Board for allegedly diverting narcotics. The Board opened an investigation into the matter.

On October 19, 2015, CMA signed an Interim Consent Order agreeing to refrain from performing Certified Medication Aide and Certified Nursing Assistant duties pending further Order from the Board.

On November 30, 2015, CMA denied diverting narcotics.

Through the course of the Board's investigation it was determined that CMA was responsible for the medication administration system and that CMA failed to provide a safe medication administration system. Furthermore, it was determined that CMA failed to implement the plan of care developed by a nurse.

By the above actions, CMA is subject to discipline pursuant to ORS 678.442(2)(d)(f), OAR 851-063-0090(3)(b) and (4)(c)(B) which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

- (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

- (3) Conduct related to client safety and integrity:
- (b) Failing to implement the plan of care developed by the registered nurse;
- (4) Conduct related to communication:
- (c) Entering inaccurate, incomplete, falsified or altered documentation into a health record or into agency records. This includes but is not limited to:
- (B) Failing to document information pertinent to the person's care;

CMA wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CMA:

That the Certified Medication Aide and Certified Nursing Assistant certificates of Annette Greiner be SUSPENDED for 90 days. Annette Greiner's Certified Medication and Certified Nursing Assistant certificates were in a restricted status for approximately nine months during the course of the investigation. Annette Greiner will be given credit for the time her Certified Medication and Certified Nursing Assistant certificates were in a restricted status, which will satisfy the 90 day suspension requirement.

CMA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CMA understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her certificate, up to and including revocation of her certificate to practice as a Certified Medication Aide.

CMA understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

CMA understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. CMA acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

CMA understands that this Order is a document of public record.

CMA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Suspension.

Annette Greiner, CMA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Yvonne Halvorson, RN) **SUSPENSION OF LICENSE**
) **WITH CONDITIONS**
License No. 200341794RN) **Reference No. 16-01400**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Yvonne Halvorson (Licensee) was issued a Registered Nurse License by the Board on August 13, 2003.

On or about March 7, 2016, the Board received information alleging Licensee violated patient privacy when she continually accessed a patient's medical record over two days without the need to know and shared the patient's medical history with her staff. At the time, Licensee was employed as a Hospital Unit Clinical Supervisor.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f)(g) and OAR 851-045-0070(2)(l)(m).

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(2) Conduct related to other federal or state statute/rule violations:

- (l) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information or unless there is a "need to know."
- (m) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client by obtaining the information without proper authorization or when there is no "need to know."

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Registered Nurse license of Yvonne Halvorson be SUSPENDED for 14 days, commencing November 15, 2016. Licensee completed an online course in Health Insurance Portability Accountability Act (HIPAA) training.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Suspension.

Yvonne Halvorson, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Yonnas Hayato, CNA) **REPRIMAND OF NURSING**
) **ASSISTANT CERTIFICATE**
Certificate No. 200212594CNA) **Reference No. 16-01759**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Yonnas Hayato (CNA) was issued a Nursing Assistant Certificate by the Board on September 26, 2002.

On or about May 4, 2016, the Board received information that CNA had allegedly slept on numerous occasions while working as a Nursing Assistant. The Board opened an investigation.

On August 11, 2016, CNA denied ever sleeping while on duty at work.

While CNA denies sleeping on duty, he understands that the evidence in this case supports the violations identified below.

By the above actions, CNA is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0090(2)(a), (3)(b)(d) and (8)(e), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

(f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant. A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

(2) Conduct related to achieving and maintaining clinical competency:

(a) Failing to conform to the essential standards of acceptable and prevailing nursing assistant performance of duties. Actual injury need not be established;

(3) Conduct related to client safety and integrity:

(b) Failing to implement the plan of care developed by the registered nurse;

(d) Jeopardizing the safety of a person under the CNA's care;

(8) Conduct related to other federal or state statutes/rule violations:

(e) Neglecting a person;

CNA wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by CNA:

That the Nursing Assistant certificate of Yonnas Hayato be reprimanded.

CNA understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

CNA understands that in the event he engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against his certificate, up to and including revocation of his certificate to practice as a Certified Nursing Assistant.

CNA understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

CNA understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. CNA acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

CNA understands that this Order is a document of public record.

CNA has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

Yonnas Hayato, CNA

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Angela Judd Ellis, RN) **VOLUNTARY SURRENDER**
)
License No. 099006247RN) **Reference No. 16-01287**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Angela Judd Ellis (Licensee) was issued a Registered Nurse License by the Board on March 8, 1999.

On or about February 12, 2016, the Board received information that Licensee was arrested in connection with the death of her grandmother (“Victim”) and was charged with Murder, 2 counts of Criminal Mistreatment in the First Degree, and Theft in the First Degree. The Board opened an investigation into the matter.

According to records from the Bend Police Department and the Office of the Deschutes County District Attorney, Licensee admitted to a third party that on December 31, 2015, she placed a pillow over Victim’s face and smothering her until she stopped breathing.

Police found narcotic and other medications belonging to Victim in Licensee’s home.

On July 28, 2016, Licensee accepted a plea agreement and pled guilty to 1 count of Manslaughter in the Second Degree; the original charges were dismissed. Licensee is sentenced to 75 months in prison, including time already served in county jail, and subject to 3 years of post-prison supervision.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111(1)(a) and OAR 851-045-0070** which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and

welfare of the public, may be found guilty of conduct derogatory to the standards of nursing.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Angela Judd Ellis be accepted. Ms. Judd Ellis agrees to never reapply to the Oregon State Board of Nursing for reinstatement of her nursing license.

Ms. Judd Ellis agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Ms. Judd Ellis understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Ms. Judd Ellis understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Ms. Judd Ellis acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Ms. Judd Ellis understands that this Order is a document of public record.

Ms. Judd Ellis has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Angela Judd Ellis, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Cheryl Kandra Smith, LPN) **PROBATION**
)
License No. 097005124LPN) **Reference No. 16-01314**

Cheryl Kandra Smith (Licensee) was issued a Licensed Practical Nurse license by the Oregon State Board of Nursing (Board) on September 18, 1997.

On or about February 17, 2016, the Licensee reported to the Board that she had engaged in a verbal altercation with a patient. An investigation was opened into the matter.

The Board's investigation revealed several practice related issues between 2013 and 2016.

On or about June 5, 2016, Licensee received a mental health diagnosis and monitored practice was recommended.

That the Licensed Practical Nurse license of 097005124LPN be placed on Probation. The Licensee's compliance with this agreement will be monitored by the Oregon State Board of Nursing from date of signature on the Final Order. Licensee must complete a twelve (12) month period of probation to begin upon her return to supervised nursing practice at the level of a Licensed Practical Nurse. Licensee must practice a minimum of sixteen (16) hours per week and no more than one (1.0) FTE in a setting where she is able to exercise the full extent of scope of duties in order to demonstrate whether or not she is competent. Limited overtime may be approved on occasion.

Licensee must comply with the following terms and conditions of probation:

- 1) Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
- 2) Licensee shall have twenty-four (24) months from Board acceptance of this Stipulation to complete twelve (12) months of monitored practice.
- 3) Licensee shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
- 4) Licensee shall maintain an active license.
- 5) Licensee shall inform the Board in advance of any absences from Oregon and/or move from Oregon to another licensing jurisdiction. If licensee leaves the State and is unable to practice in the State of Oregon, her probationary status will be reevaluated.

- 6) Licensee shall present herself, in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
- 7) Licensee shall notify the Board of any citations, arrests, or convictions for any offense, whether a felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
- 8) Licensee will not look for, accept, or begin a new nursing position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
- 9) Licensee shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of licensee's probationary status. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
- 10) Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe practice and provide assistance. Licensee shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The nursing supervisor must submit the quarterly evaluation within 10 days of the due date. If the evaluation is not received at such time, Board staff will contact the employer to remind them. If the Board does not receive the report within 5 business days from the time the employer is contacted, the probationer will be restricted from practice.
- 11) Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of the probationer's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding her/his work-related conduct or personal behavior that may affect her ability to practice as a nurse.
- 12) Licensee shall notify the Board when there is a change in status of employment including resignations or terminations.
- 13) Licensee shall not work in any practice setting in which on-site supervision is not available. This generally includes home health agencies, traveling agencies, nursing float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
- 14) Licensee shall participate and comply with any treatment recommendations as set forth by a third party evaluator. Within fourteen (14) days of discharge, Licensee shall submit to the Board a copy of her discharge summary.

15) Licensee may take medication for a documented medical/mental health condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. Licensee will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical/mental health condition. Licensee shall produce the medical records pertaining to the medical/mental health condition and medication use. Licensee will discard any unused prescription medications when it is no longer needed or expired.

16) Licensee shall cease practicing as a nurse if there are concerns about her ability to practice safely or at the request of Board staff. Practice may resume when approved by Board staff, in consultation with Licensee's employer and/or mental health therapist/psychiatrist.

17) Licensee agrees to provide the Board with the names of any healthcare providers, sign releases of information with the providers, and provide the Board with documentation of the healthcare provided (medical records). Licensee is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.

18) Licensee shall notify the Board at least three (3) business days prior to leaving town or going on vacation with the exception of a family emergency.

19) Licensee shall cooperate fully with the Board in the supervision and investigation of her/his compliance with the terms and conditions of this Stipulation.

Licensee understands that the conduct resulting in the violations of law, described in this Stipulation are considered by the Board to be of a grave nature and if continued, constitutes a serious danger to public health and safety.

Licensee also understands that in the event she/he engages in future conduct resulting in violations of the law or terms of probation the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Licensed Practical Nurse.

Licensee understands that this Stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Licensee understands that by entering into this stipulated agreement, she waives the right to an administrative hearing.

Licensee states no promises, representation, duress, or coercion has been used to induce her to sign this Stipulation.

Licensee understands that this Stipulation is a public record.

Licensee has read this Stipulation, understands the Stipulation completely, and freely signs the Stipulation.

IT IS SO AGREED:

Cheryl Kandra Smith, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Maureen Elizabeth Kemmy, RN) **PROBATION**
)
License No. 200141514RN) **Reference No. 16-01361**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Maureen Elizabeth Kemmy (Licensee) was issued a Registered Nurse license by the Board on August 1, 2001.

On or about February 19, 2016, the Board received information that Licensee experienced a recent relapse with alcohol. Licensee's alcohol use history had previously resulted in Licensee being monitored through probation with the Board. Licensee acknowledged that she had consumed alcohol between January 26, 2016 and February 3, 2016 after approximately three and a half years of sustained sobriety. Licensee's relapse occurred during a time when she was not employed as a nurse. Licensee has been participating in a treatment program and reported she has been maintaining sobriety since February 3, 2016.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f) and OAR 851-045-0070(5)(d), which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:
 - (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (5) Conduct related to impaired function:
 - (d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twelve (12) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have twenty-four (24) months from Board's acceptance of this Order to complete twelve (12) months of monitored practice.
3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff

will provide the Nurse Executive with a copy this Order.

10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.
12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
15. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory

vendor shall be considered a violation of this Order.

16. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.
18. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
19. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
20. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
21. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of Licensee's license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval

and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Maureen Elizabeth Kemmy, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Christopher Koch) **PROBATION**
)
Certificate No. 200611428CNA) **Reference No. 16-01835**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. Christopher Koch (Certificate Holder) was issued a Certified Nursing Assistant (CNA) certificate by the Board on July 5, 2006. Certificate Holder's CNA certificate expired on May 8, 2014. In December 2014, Certificate Holder submitted an application to the Board for reactivation of his CNA certificate by examination. Certificate Holder's application was considered still valid at the time that Certificate Holder successfully completed the required re-examination in April 2016.

A routine criminal background check showed Certificate Holder was arrested on or about April 6, 2015 and was subsequently charged with Driving Under the Influence of Intoxicants and Possession of Methamphetamine. Certificate Holder acknowledged he had been using methamphetamine. In May 2015, Certificate Holder entered a court diversion program for the charge of Driving Under the Influence of Intoxicants and entered a drug court program for the charge of Possession of Methamphetamine. Upon Certificate Holder's completion of his court requirements, Certificate Holder will be eligible to have both criminal charges dismissed by the court. Certificate Holder provided documentation to the Board showing he is in compliance with his court requirements and has been actively participating in a treatment program. Certificate Holder stated his last use of methamphetamine was on May 16, 2015 and stated he is committed to his sobriety.

By the above actions, Certificate Holder is subject to discipline pursuant to ORS 678.442(2)(f), OAR 851-063-0080(6), and OAR 851-063-0090(7)(c) & (8)(i), which provide as follows:

ORS 678.442 Certification of nursing assistants; rules.

- (2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:
 - (f) Conduct unbecoming a nursing assistant in the performance of duties.

OAR 851-063-0080 Causes for Denial, Reprimand, Suspension, Probation or Revocation of CNA Certificate

Under the contested case procedure in ORS 183.310 to 183.550 the Board may impose a range of disciplinary sanctions including, but not limited to deny, reprimand, suspend, place on probation or revoke the certificate to perform duties as a CNA for the following causes:

- (6) Conduct unbecoming a nursing assistant.

OAR 851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails

to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

- (7) Conduct related to safe performance of authorized duties:
 - (c) Using a prescription or non-prescription drug, alcohol, or a mind-altering substance to an extent or in a manner dangerous or injurious to the nursing assistant or others, or to an extent that such use impairs the ability to perform the authorized duties safely.
- (8) Conduct related to other federal or state statutes/rule violations:
 - (i) Possessing, obtaining, attempting to obtain, furnishing or administering prescription or controlled drugs to any person, including self, except as directed by a LIP authorized by law to prescribe drugs.

Certificate Holder admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Certificate Holder wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Certificate Holder:

Certificate Holder shall be placed on probation effective the date the Board approves this Stipulated Order for Probation and his CNA certificate is reactivated. Certificate Holder's compliance with this Order will be monitored by the Oregon State Board of Nursing. Certificate Holder must complete a twenty-four (24) month period of probation to begin upon Certificate Holder's return to work, monitored as outlined below. Certificate Holder must work a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Certificate Holder must work in a setting where Certificate Holder can exercise the full extent of Certificate Holder's scope of duties, in order to demonstrate Certificate Holder's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Certificate Holder shall comply with the following terms and conditions of probation:

1. Certificate Holder shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Certificate Holder shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.
3. Certificate Holder shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Certificate Holder shall maintain active certification.
5. Certificate Holder shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Certificate Holder leaves the state and is unable to work in the state of Oregon, Certificate Holder's probationary status will be re-evaluated.
6. Certificate Holder shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.

7. Certificate Holder shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Certificate Holder will not look for, accept, or begin a new nursing assistant position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Certificate Holder shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Certificate Holder's certification, the reasons for probation, and terms and conditions of probation. If Certificate Holder's employer has a Nurse Executive, Certificate Holder shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Certificate Holder shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Certificate Holder's work and provide assistance. Certificate Holder shall be employed in a setting where Certificate Holder's nursing assistant supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Certificate Holder may be restricted from performing the duties of a nursing assistant.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Certificate Holder's employer shall inform Board staff of any instance of Certificate Holder's non-compliance with the terms and conditions of this Order or of any other concern regarding Certificate Holder's work-related conduct or personal behavior that may affect Certificate Holder's ability to perform the duties of a nursing assistant.
12. Certificate Holder shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Certificate Holder shall not work in any work setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
14. Certificate Holder shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Certificate Holder shall submit to Board staff a copy of Certificate Holder's completion certificate or discharge summary. Certificate Holder shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with

Certificate Holder's treatment provider and release Certificate Holder's treatment records to the Board.

15. Certificate Holder shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Certificate Holder's immediate removal from working as a nursing assistant. Certificate Holder shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Certificate Holder's employer. Certificate Holder shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Certificate Holder shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Certificate Holder understands that Certificate Holder is financially responsible for any and all costs related to testing and evaluating. Certificate Holder's failure to maintain an account in good standing with the Board's laboratory vendor may be considered a violation of this Order.
16. Certificate Holder shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 17 below. Certificate Holder shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
17. Certificate Holder may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Certificate Holder shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with the prescribing person and release Certificate Holder's records to the Board. Certificate Holder shall discard any unused prescription medication when no longer needed or when expired.
18. Certificate Holder shall cease performing the duties of a nursing assistant upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. The performance of nursing assistant duties may resume only when approved in writing by Board staff, in consultation with Certificate Holder's employer.
19. Certificate Holder shall notify any and all healthcare providers of the nature of Certificate Holder's chemical dependency to ensure that Certificate Holder's health history is complete before receiving any treatment, including medical and dental. Certificate Holder shall provide a copy of this Order to Certificate Holder's healthcare providers. Certificate Holder shall provide Board staff with the names and contact information of any and all health care providers. Certificate Holder shall sign any release of information necessary to allow Board staff to communicate with Certificate Holder's healthcare providers and release Certificate Holder's medical and treatment records to the Board. Certificate Holder is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
20. Certificate Holder shall notify Board staff at least three (3) business days prior to leaving

town or going on vacation, with the exception of a family emergency.

- 21. Certificate Holder shall cooperate fully with Board staff in the supervision and investigation of Certificate Holder's compliance with the terms and conditions of this Order.

Certificate Holder understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Certificate Holder understands that in the event Certificate Holder engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Certificate Holder's certificate, up to and including revocation of Certificate Holder's certification to perform the duties of a nursing assistant.

Certificate Holder understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Certificate Holder understands that by signing this Stipulated Order, Certificate Holder waives the right to an administrative hearing under ORS 183.310 to 183.540. Certificate Holder acknowledges that no promises, representations, duress or coercion have been used to induce Certificate Holder to sign this Order.

Certificate Holder understands that this Order is a document of public record.

Certificate Holder has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Christopher Koch

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Crystal Massey, RN) **REPRIMAND OF REGISTERED**
) **NURSE LICENSE WITH CONDITION**
License No. 200642212RN) **Reference No. 16-01443**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Crystal Massey (Licensee) was issued a Registered Nurse License by the Board on July 27, 2006.

On or about February 8, 2016, the Board received information alleging that Licensee accepted \$9,747 in payments during the years 2008, 2009 and 2010 for which she was not entitled. Licensee took ownership for her actions and fully reimbursed those payments.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), which reads as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

Licensee wishes to cooperate with the Board in this matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Registered Nurse license of Crystal Massey be reprimanded with the condition that she successfully complete the NCSBN course on ethics.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature.

Licensee understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Reprimand.

Crystal Massey, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Kathleen McCormick, RN) **PROBATION**
)
License No. 201140092RN) **Reference No. 16-08156**

Kathleen McCormick (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on January 18, 2011.

On or about June 28, 2016, the Board received information that Licensee was unable to account for several doses of missing Fentanyl in the workplace, and there were documentation discrepancies in the narcotics log.

Licensee admits that she took opioid medication from the workplace for her personal use over a period of several months, that she did not accurately account for wasted medication, and that she used this medication while she was on duty.

Licensee has obtained an assessment from a Board-approved evaluator and is engaged in treatment for her substance use disorder. She meets the Board's criteria for monitored nursing practice.

By the above actions, Licensee is subject to discipline pursuant to **ORS 678.111 (1)(e) and (f), OAR 851-045-0070 (2)(f)(i), (3)(a), (4)(b) and (5)(c)(d) which read as follows:**

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or licensure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

- (e) Impairment as defined in ORS 676.303.
- (f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(2) Conduct related to other federal or state statute/rule violations:

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(3) Conduct related to communication

(a) Inaccurate recordkeeping in client or agency records.

(4) Conduct related to achieving and maintaining clinical competency:

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

Licensee admits that the above allegations occurred and constitute violations of the Nurse Practice Act. Licensee wishes to cooperate with the Board in resolving the present disciplinary matter. The following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

Licensee shall be placed on probation effective the date the Board approves this Stipulated Order for Probation. Licensee's compliance with this Order will be monitored by the Oregon State Board of Nursing. Licensee must complete a twenty-four (24) month period of probation to begin upon Licensee's return to practice, monitored as outlined below. Licensee must practice a minimum of sixteen (16) hours per week, and no more than a maximum of one (1.0) FTE. Licensee must practice in a setting where Licensee can exercise the full extent of Licensee's scope of practice, in order to demonstrate Licensee's competence. Limited overtime may be approved on occasion, at the discretion of Board staff.

Licensee shall comply with the following terms and conditions of probation:

1. Licensee shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee shall have thirty-six (36) months from Board's acceptance of this Order to complete twenty-four (24) months of monitored practice.

3. Licensee shall notify Board staff, in writing, prior to any change of address or employment setting during the probation period.
4. Licensee shall maintain an active license.
5. Licensee shall inform Board staff in advance of any absences from Oregon and/or any move from Oregon to another licensing jurisdiction. If Licensee leaves the state and is unable to practice in the state of Oregon, Licensee's probationary status will be re-evaluated.
6. Licensee shall appear in person or by phone, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and revised periodically at the discretion of Board staff.
7. Licensee shall notify Board staff of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
8. Licensee will not look for, accept, or begin a new nursing position without prior approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
9. Licensee shall inform current and prospective employers, including any Nurse Executive, of the probationary status of Licensee's license, the reasons for probation, and terms and conditions of probation. If Licensee's employer has a Nurse Executive, Licensee shall inform Board staff of the name of the Nurse Executive and Board staff will provide the Nurse Executive with a copy this Order.
10. Licensee shall work under the direct supervision of another licensed healthcare professional, functioning at the same or higher level of licensure, who is working in the same physical location and readily available to observe Licensee's practice and provide assistance. Licensee shall be employed in a setting where Licensee's nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) every three (3) months during the probationary period. The quarterly evaluation is expected to be received by Board staff within ten (10) days of the due date. If the evaluation is not timely received, Board staff will contact the employer with a reminder. If Board staff is not in receipt of the report within five (5) business days from the reminder date, Licensee may be restricted from practicing as a nurse.
11. Between quarterly reporting periods, the Nurse Executive or a person designated by Licensee's employer shall inform Board staff of any instance of Licensee's non-compliance with the terms and conditions of this Order or of any other concern regarding Licensee's work-related conduct or personal behavior that may affect Licensee's ability to perform the duties of a nurse.

12. Licensee shall notify Board staff when there is a change in status of employment, including resignations and terminations.
13. Licensee shall not have access to narcotics, carry the keys to narcotics storage, or administer narcotics at any time or under any circumstances or until Licensee receives written approval from Board staff.
14. Licensee shall not work in any practice setting when on-site supervision is not available. This generally includes home health agencies, traveling agencies, float pools, temporary agencies, assisted living facilities, adult foster care, independent consulting contracts, home hospice, and night shifts outside of acute care settings.
15. Licensee shall participate in and comply with any treatment recommendations set forth by a third party evaluator approved by the Board. Within fourteen (14) days of completing treatment, Licensee shall submit to Board staff a copy of Licensee's completion certificate or discharge summary. Licensee shall attend Narcotics Anonymous (NA), Alcoholics Anonymous (AA) or similar recovery program on a weekly basis and provide proof of attendance to Board staff. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's treatment provider and release Licensee's treatment records to the Board.
16. Licensee shall participate in the Board's random urine drug testing program. Failure to comply with random urine or any other requested drug test shall result in Licensee's immediate removal from nursing practice. Licensee shall submit to tests to determine the presence of unauthorized substances immediately upon request by Board staff or Licensee's employer. Licensee shall sign any release of information necessary to ensure the Board will receive the results of such testing. The presence of unauthorized substances may be considered a violation of the terms and conditions of this Order. Upon request of Board staff, Licensee shall obtain an evaluation by a Board approved chemical abuse or dependence evaluator. Licensee understands that Licensee is financially responsible for any and all costs related to testing and evaluating. Licensee's failure to maintain an account in good standing with the Board's laboratory vendor shall be considered a violation of this Order.
17. Licensee shall abstain from using alcohol and/or other intoxicating, mind altering, or potentially addictive drugs, including over-the-counter or prescription drugs while on probation, except as provided in Section 18 below. Licensee shall avoid any over-the-counter products and food items containing alcohol and/or poppy seeds.
18. Licensee may take medication for a documented medical condition provided that the medication is from a valid prescription prescribed by a person authorized by law to write such a prescription for the documented medical condition. Licensee shall notify Board staff of any prescription within seventy-two (72) hours of its issuance. Licensee shall sign any release of information necessary to allow Board staff to communicate

with the prescribing person and release Licensee's records to the Board. Licensee shall discard any unused prescription medication when no longer needed or when expired.

19. Licensee shall cease practicing as a nurse upon the occurrence of a relapse, or at the request of Board staff because of a relapse or relapse behavior. Practice may resume only when approved in writing by Board staff, in consultation with Licensee's employer.
20. Licensee shall notify any and all healthcare providers of the nature of Licensee's chemical dependency to ensure that Licensee's health history is complete before receiving any treatment, including medical and dental. Licensee shall provide a copy of this Order to Licensee's healthcare providers. Licensee shall provide Board staff with the names and contact information of any and all health care providers. Licensee shall sign any release of information necessary to allow Board staff to communicate with Licensee's healthcare providers and release Licensee's medical and treatment records to the Board. Licensee is financially responsible for any costs incurred for compliance with the terms and conditions of this Order.
21. Licensee shall notify Board staff at least three (3) business days prior to leaving town or going on vacation, with the exception of a family emergency.
22. Licensee shall cooperate fully with Board staff in the supervision and investigation of Licensee's compliance with the terms and conditions of this Order.

Licensee understands that the conduct resulting in the violations of law described in this Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Licensee understands that in the event Licensee engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against Licensee's license, up to and including revocation of her license to practice as a Registered Nurse.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, Licensee waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce Licensee to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Probation.

IT IS SO AGREED:

Kathleen McCormick, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY OF FILE IN BOARD OFFICE

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Cami Musgrave, LPN) **VOLUNTARY SURRENDER**
)
License No. 201400132LPN) **Reference No. 16-01463**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Licensed Practical Nurses. Cami Musgrave (Licensee) was issued a Licensed Practical Nurse License by the Board on January 9, 2014.

On or about March 18, 2016, the Licensee reported to the Board that while she was working as a Licensed Practical Nurse, she had diverted narcotics from her employer for personal use.

On March 23, 2016, Licensee admitted to diverting narcotics for personal use.

On May 5, 2016, Licensee received a chemical dependency diagnosis and treatment was recommended.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(e)(f)(g) and OAR 851-045-0070(2)(f)(i) which read as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(2) Conduct related to other federal or state statute/rule violations:

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Licensed Practical Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Licensed Practical Nurse license of Cami Musgrave be accepted. If, after a minimum of three years, Ms. Musgrave wishes to reinstate her Licensed Practical Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Licensed Practical Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Cami Musgrave, LPN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Tiffany Seth) **WITHDRAWAL OF APPLICATION**
)
CNA Applicant) **Reference No. 17-00064**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Certified Nursing Assistants. On May 19, 2016, Tiffany Seth (Applicant) submitted an application for endorsement of CNA certificate from Colorado.

Applicant completed an employment history for the endorsement application and stated that she had worked 4000 hours as a CNA providing in-home care in Colorado over the previous 2 years. However, Applicant subsequently admitted that this information was not accurate, and that she had not earned CNA hours in Colorado as she attested in her application. This represents a violation of the Oregon Nurse Practice Act.

Furthermore, because Applicant claimed work hours which do not meet the criteria for CNA hours, she does not meet the requirements for certification by endorsement.

By the above actions, Applicant is subject to ORS 678.442(2)(b)(f), 851-063-0090(1)(b), (9)(a), and (10)(d), which read as follows:

ORS 678.442 Certification of nursing assistants; rules.

(2) In the manner prescribed in ORS chapter 183, the board may revoke or suspend a certificate issued under this section or may reprimand a nursing assistant for the following reasons:

- (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof.
- (f) Conduct unbecoming a nursing assistant in the performance of duties.

851-063-0090 Conduct Unbecoming a Nursing Assistant

A CNA, regardless of job location, responsibilities, or use of the title "CNA," whose behavior fails to conform to the legal standard and accepted standards of the nursing assistant profession, or who may adversely affect the health, safety or welfare of the public, may be found guilty of conduct unbecoming a nursing assistant. Such conduct includes but is not limited to:

(1) Conduct, regardless of setting, related to general fitness to perform nursing assistant authorized duties:

- (b) Demonstrated incidents of dishonesty, misrepresentation, or fraud.

(9) Conduct related to certification violations:

- (a) Resorting to fraud, misrepresentation, or deceit during the application process for licensure or certification, while taking the examination for licensure or certification,

while obtaining initial licensure or certification or renewal of licensure or certification;

- (10) Conduct related to the certification holder's relationship with the Board:
(b) Failing to answer truthfully and completely any question asked by the Board on an application for certification, renewal of certification, during the course of an investigation, or any other question asked by the Board.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

That Tiffany Seth's application for CNA certification by endorsement be WITHDRAWN.

Applicant agrees to this Stipulated Order For Withdrawal of CNA Application from the date of signature on this Stipulated Order.

Applicant understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Applicant understands that this Order is a document of public record.

Applicant has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Withdrawal of Application for Nursing Assistant Certificate.

IT IS SO AGREED:

Tiffany Seth

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Robert Smith, RN) **VOLUNTARY SURRENDER**
)
License No. 098006881RN) **Reference No. 16-00167**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Robert Smith (Licensee) was issued a Registered Nurse License by the Board on August 12, 1998. Licensee's RN license expired on July 26, 2016.

On or about July 24, 2015, the Board received information that Licensee was charged with seven counts of felony Sexual Abuse in the First Degree. The Board opened an investigation.

On July 24, 2015, Licensee voluntarily agreed not to practice as a nurse or function as a caregiver in any setting pending further Order of the Board by signing an Interim Order by Consent.

According to Union County Circuit Court records, Licensee accepted the state's plea offer and the matter is currently scheduled for August 25, 2016.

During an August 9, 2016 telephone conversation with Board staff, Licensee agreed to voluntarily surrender his license in order to resolve this matter before the Board.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111(1)(f), which reads as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender his Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Robert Smith be accepted. If, after a minimum of three years, Mr. Smith wishes to reinstate his Registered Nurse license, he may submit an application to the Board to request reinstatement.

Licensee agrees that he will not practice as a Registered Nurse from the date he signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, he waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce him to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Robert Smith, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

**In the Matter of
Mertice Spencer**

) **STIPULATED ORDER FOR
) WITHDRAWAL OF REGISTERED
) NURSE LICENSE APPLICATION**

**License No. 099006187RN,
RN Applicant**

)
) **Reference No. 16-01522**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses (RNs) and RN license applicants. Mertice Spencer (Applicant) was issued an RN license by the Board in February 1999 which expired in December 2013.

In January 2013, Applicant was arrested in Oregon for Theft in the First Degree (felony) and, as a result, was convicted of Attempted Theft in the First Degree (misdemeanor). In December 2014, Applicant was arrested in Tennessee for Theft of Property - Conduct Involving Merchandise (misdemeanor) and, as a result, was convicted of Disorderly Conduct (misdemeanor). In December 2015, the Board received an RN license reactivation application from Applicant on which she answered "NO" to the question: "Other than a traffic ticket, since the date of your last renewal, have you been arrested, cited, or charged with an offense?" In February 2015, Applicant, while in New Mexico, misappropriated drugs and engaged in the practice of nursing when she was impaired by cocaine and methamphetamine. As a result, the New Mexico Board of Nursing revoked Applicant's privilege to practice in New Mexico in April 2016.

By the above actions, Applicant is subject to discipline pursuant to ORS 678.111(1)(a)(f)(g) and OAR 851-031-0006(2)(b)(c)(d) and OAR 851-045-0070(2)(f)(i), (5)(c)(d), (7)(b) which provide as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

OAR 851-031-0006 General Eligibility, Limits on Eligibility, and Requirements

(2) Limits on Eligibility:

(b) If an applicant has been arrested, charged or convicted of any criminal offense a determination shall then be made as to whether the arrest, charge or conviction bears a demonstrable relationship to the practice of nursing, in which case licensure may be denied.

(c) If the applicant has past, current or pending disciplinary action in another licensing jurisdiction, the Board shall investigate and may deny licensure.

(d) If the applicant falsifies an application, supplies misleading information or withholds information, such action may be grounds for denial or revocation.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(2) Conduct related to other federal or state statute/rule violations:

(f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(i) Possessing, obtaining, attempting to obtain, furnishing, or administering prescription or controlled drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

(d) Use of drugs, alcohol or mind-altering substances to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

(7) Conduct related to the licensee's relationship with the Board:

(b) Failing to answer truthfully and completely any question asked by the Board on an application for licensure or during the course of an investigation or any other question asked by the Board.

Applicant does not admit or deny the above allegations; however, she acknowledges that the Board currently has a preponderance of evidence to support them. Applicant wishes to cooperate with the Board in resolving the present disciplinary matter. Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Applicant:

That Mertice Spencer's Registered Nurse license application be withdrawn.

Applicant understands that the conduct resulting in the violations of law described in this Stipulated Order are considered by the Board to be of a grave nature and, if continued, constitutes a serious danger to public health and safety.

Applicant understands that this Stipulated Order will be submitted to the Board of Nursing for

its approval and is subject to the Board's confirmation.

Applicant understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Applicant acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Stipulated Order.

Applicant understands that this Stipulated Order is a document of public record.

Applicant has read this Stipulated Order, understands this Stipulated Order completely, and freely signs this Stipulated Order for Withdrawal of Application.

IT IS SO AGREED:

Mertice Spencer

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Pamela Trowbridge, RN) **VOLUNTARY SURRENDER**
)
License No. 200842159RN) **Reference No. 16-01401**

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses. Pamela Trowbridge (Licensee) was issued a Registered Nurse License/Certificate by the Board on July 30, 2008.

On or about March 8, 2016, the Board received information that Licensee violated the Nurse Practice Act by providing inaccurate and incomplete record keeping and that she failed to modify plans of care based on nursing assessments and judgement. It is also alleged that Licensee failed to communicate information regarding the hospice client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner while working at St. Charles Hospice.

By the above actions, Licensee is subject to discipline pursuant to ORS 678.111 (1)(f), OAR 851-045-0070 (1)(b)(d), (2)(b), (3)(a)(h)(i), (4)(b) which reads as follows:

ORS 678.111 Causes for denial, revocation or suspension of license or probation, reprimand or censure of licensee. In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined. Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(1) Conduct related to the client's safety and integrity:

(b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.

(d) Failing to modify, or failing to attempt to modify the plan of care as needed based on nursing assessment and judgment, either directly or through proper channels.

(2) Conduct related to other federal or state statute/rule violations:

(b) Neglecting a client. The definition of neglect includes, but is not limited to, carelessly allowing a client to be in physical discomfort or be injured.

(3) Conduct related to communication:

(a) Inaccurate recordkeeping in client or agency records.

(h) Failing to communicate information regarding the client's status to members of the health care team (physician, nurse practitioner, nursing supervisor, nurse co-worker) in an ongoing and timely manner; and

(i) Failing to communicate information regarding the client's status to other individuals who need to know; for example, family, and facility administrator.

(4) Conduct related to achieving and maintaining clinical competency:

b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Pamela Trowbridge be accepted. If, after a minimum of three years, Ms. Trowbridge wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540, and to any judicial review or appeal thereof. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Pamela Trowbridge, RN

Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Bonnie Kostelecky, MS, MPA, RN
Board President

Date

SIGNATURES & DATED COPY ON FILE IN BOARD OFFICE